

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1939.

S. B. 43

CHAPTER 51

AN ACT TO AUTHORIZE THE UTILITIES COMMISSIONER TO PROTECT THE UNITED STATES FROM CLAIMS FOR DAMAGES TO OYSTER BEDS IN NEW RIVER UNDER CERTAIN CONDITIONS.

Preamble: Appropriation for dredging of channel in New River.

Whereas, the United States of America has heretofore made an appropriation by Act of Congress providing for the dredging of a channel ten feet deep and ninety feet wide in New River between the Inland Waterway and Jacksonville; and

Rights-of-way and spoil disposal areas.

Whereas, the said appropriation and the beginning of the work of dredging said channel is conditioned upon local interest furnishing free of costs to the United States rights-of-way and spoil-disposal areas for initial work and for maintenance as may be necessary, and giving assurance satisfactory to the Secretary of War to hold and save the United States free from damages to oyster beds; and

Difficulty in obtaining releases in connection with certain private interests.

Whereas, citizens of North Carolina interested in the construction of the said channel have heretofore secured releases from all persons owning oyster beds in New River in favor of the United States, whereby all claims were waived for damages to oyster beds between Sneads Ferry and the Inland Waterway, except from not over ten persons who may be interested in the ownership of some oyster beds, said releases not having been obtained on account of inability to obtain the names and addresses of the owners, or because the owners were incapable of executing legal releases, or for other like reasons; and

Protection against liability for damages required by Federal Government.

Whereas, it is necessary to furnish assurance to the United States that it will be protected against any liability from such owners of oyster beds who have not released and waived any claims therefor, before the United States would begin the construction of the said channel; and

Whereas, none of the said oyster beds in said river are now being used commercially for the cultivation of oysters, and it is not contemplated that the construction of said channel will cause any financial loss to any of the owners thereof; and